

**REMARKS**

In light of the following remarks and above amendments, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 USC §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 3-10, 13, 15-21, 23, 25, 28, 29, 31 and 33 and amended claims 1, 2, 11, 12, 14, 22, 24, 26, 27, 30 and 32 are in this application. Claims 34-39 are newly added.

At paragraph 3 of the outstanding Office Action of June 5, 2003, the Examiner rejected claims 1, 3, 4, 7-11, 18-22, 24, 26, 28, 30 and 32 under 35 U.S.C. § 102(b) as being anticipated by Rao et al. (U.S. Patent No. 5,790,704). Applicants respectfully traverse the rejection.

Amended independent claim 1, recites in part, "An encoding apparatus, comprising...**a transmission signal generating portion for adding a synchronous signal that includes a horizontal synchronous signal, a vertical synchronous signal, a sequential synchronous signal or the like.**" (Underlining and Bold added for emphasis.)

It is respectfully submitted that Rao does not teach the above-recited feature of amended independent claim 1. Rao teaches an image processing apparatus that comprises a threshold processing circuit that sends binary-coded data or multivalued data to an encoder

to encode the result of the comparison. The encoder then outputs multivalue-coded data of one type corresponding to the result of comparison. However, amended independent claim 1 takes this process a step further by taking the comparison values output by the encoder and supplying these values to a transmission signal generator 200 (figure 1). The transmission signal generator then adds either a horizontal synchronous signal, a vertical synchronous signal or a sequential picture synchronous signal to the comparison data. This synchronous signal is added to a particular position of each packet of a received digital signal. The purpose of this step is to horizontally or vertically synchronize a transmission on the transmission side and the reception side. Therefore amended independent claim 1 is believed to be distinguishable from Rao.

For reasons similar to those described above with regard to amended independent claim 1, amended independent claims 22, 24, 26, 30 and 32 are also believed to be distinguishable from Rao.

Further, claims 3, 4, 7-10 and 28 depend from one of amended independent claims 1, 22, 24, 26, 30 and 32 and, due to such dependency, are also believed to be distinguishable from Rao for at least the reasons previously described. Therefore, claims 3, 4, 7-10 and 28 are believed to be distinguishable from Rao.

Furthermore, independent claim 11 has been amended by adding a limitation that was stated as being allowable by the Examiner in claim 12. Specifically, the limitation, "a sampling portion for sampling the encoded values of the encoded picture signal" was added to claim 11. Therefore amended independent claim 11 is believed to be distinguishable from Rao.

Further, claims 18-21 depend from amended independent claim 11 and, due to such dependency, are also believed to be distinguishable from Rao for at least the reasons

previously described. Therefore, claims 11 and 18-21 are believed to be distinguishable from Rao.

Applicants therefore respectfully request the rejection of claims 1, 3, 4, 7-11, 18-22, 24, 26, 28, 30 and 32 under 35 U.S.C. §102(b) be withdrawn.

At paragraph 4 of the outstanding Office Action of June 5, 2003, the Examiner stated that claims 2, 5, 6, 12-17 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants submit that claims 2, 12, 14 and 27 have been rewritten in independent form as suggested by the Examiner, and as such are allowable. As noted by the Examiner, claims 5, 6, 13 and 15-17 depend from one of amended claims 2, 12, 14 and 27 and as such are allowable as being dependent upon allowable base claims.

This is in response to the Examiner's Statement of Reasons for Allowance, which were included at pages 8 and 9 of the Office Action mailed June 5, 2003. To the extent the Examiner's Statement of Reasons for Allowance states, implies or is construed to mean that the claims are allowable over the prior art of record because the Examiner believes the claims should be interpreted to include one or more features or limitations not recited therein, Applicants attorney disagrees with such an interpretation. Moreover, it is Applicants contention that there is no particular limitation in the allowed claims that is more critical than any other. The issuance of the Examiner's Statement of Reasons for Allowance should not be construed as a surrender by Applicants of any subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claims so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

At paragraph 6 of the outstanding Office Action of June 5, 2003, the Examiner stated that claims 23, 25, 29, 31 and 33 are allowed. Applicants wish to thank the Examiner for stating that these claims are allowed.

This is in response to the Examiner's Statement of Reasons for Allowance, which were included at page 10 of the Office Action mailed June 5, 2003. To the extent the Examiner's Statement of Reasons for Allowance states, implies or is construed to mean that the claims are allowable over the prior art of record because the Examiner believes the claims should be interpreted to include one or more features or limitations not recited therein, Applicants attorney disagrees with such an interpretation. Moreover, it is Applicants contention that there is no particular limitation in the allowed claims that is more critical than any other. The issuance of the Examiner's Statement of Reasons for Allowance should not be construed as a surrender by Applicants of any subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claims so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

Applicants have further added new claims 34-39. Applicants submit that the 35 U.S.C. 102(b) rejection relied upon by the Examiner does not apply to claims 34-39, and submit that the rejection of these claims over 35 U.S.C. 102(b) would be improper. Therefore, newly added claims 34-39 are believed to be allowable.

The Examiner has apparently made of record, but not relied upon, a number of documents. The applicants appreciate the Examiner's explicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicants undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response to Deposit Account No. 50-0320.

Respectfully submitted,  
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